

**UTAH AIR QUALITY BOARD MEETING
February 6, 2008**

FINAL MINUTES

I. Call-to-Order

Ernie Wessman called the meeting to order at 1:28 p.m.

Board members present:

Nan Bunker, Wayne Samuelson, Ernest Wessman, Kathy Van Dame, Craig Petersen, Steve Sands, Joel Elstein, Rick Sprott, and Stead Burwell

Excused: Jim Horrocks and Darrell Smith

Executive Secretary: Cheryl Heying

II. Date of the Next Air Quality Board Meetings: March 5, 2008 and April 2, 2008

There will be a Board working lunch session on March 5, 2008, at noon. The topic will be the state implementation plan.

III. Approval of the Minutes for January 9, 2008 Board Meeting.

- Kathy Van Dame made the motion to approve the minutes of the January 9, 2008, Board meeting. Nan Bunker seconded. The Board approved unanimously.

IV. Final Adoption: Repeal of R305-3. Emergency Meeting. Presented by Laura Lockhart.

Laura Lockhart, of the Utah Attorney General's Office, stated that R305-3 was adopted by the DEQ Boards five years ago to govern emergency meetings and was placed in the Department's rules rather than the individual agencies rules. It is now up for a five-year renewal. After review, it was realized that this rule requires more procedures for emergency meetings than the statute requires. The statute essentially says that the public body give the "best notice practicable" under the circumstances. It is the Boards policy to do everything that this rule specifies, but when you talk about an emergency meeting you don't want the requirement of doing more than the statute. What the Board doesn't want is to have items conducted in a meeting challenged because the requirements were not met since they go beyond the statute. This rule went out for public comment and no comments were received. Ms. Lockhart recommends that the Board repeal this rule.

- Nan Bunker moved to approve final adoption of the repeal of R305-3. Steve Sands seconded. The Board approved unanimously.

V. Final Adoption: Amend R307-101. General Requirements; R307-115. General Conformity; R307-170-7. Performance Specification Audits; R307- 221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills; R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste; R307-223. Emission

Standards: Existing Small Municipal Waste Combustion Units; R307-224. Mercury Emission Standards: Coal-Fired Electric Generating Units; R307-310. Salt Lake County: Trading of Emission Budgets for Transportation Conformity; R307-417. Permits: Acid Rain Sources; and R307-801. Asbestos; R307-840. Lead-Based Paint Accreditation, Certification and Work Practice Standards. Delete R307-215 Emission Standards: Acid Rain Requirements.

Presented by Mat Carlile.

Mat Carlile, Environmental Planning Consultant at DAQ, stated that on November 1, 2007, the Air Quality Board proposed for comment amendments to several rules that incorporate by reference portions of Title 40 of the Code of Federal Regulations (CFR). The proposed rulemaking also created a new subsection, R307-101-3, that contains the date of the Version of 40 CFR incorporated throughout most of the rules of the Board. This will allow the Board to change the date in one rule instead of changing each rule individually, and will decrease the administrative rulemaking paperwork. These amendments updated the version of the CFR to July 1, 2007. No oral or written comments were received. Staff recommends that the rules identified in agenda item #5 be adopted as proposed.

In addition, the DAQ has completed a five-year review for all of the rules identified in agenda item #5 except for R307-417 and R307-215. As a separate action item staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

During discussion with the Board, Mr. Carlile assured the Board that this is just a matter of incorporating items by reference and updates. Another matter discussed was that typically the Board has done a five-year review as a separate agenda line item. The question to Fred Nelson, counsel to the Board, is it okay to act on the information in the proposal to approve the five-year reviews in the packet with it not listed explicitly on the agenda as an action item. Mr. Nelson indicated that it is okay for the Board to act on this item. In the future the DAQ will list the rule(s) up for the five-year review so the Board is informed on exactly what they are being asked to approve.

- Steve Sands motioned that the Board approve the rules for final adoption listed under agenda item #5 and also approve the five-year continuation of the rules listed under agenda item #5 with the exception of R307-417 and R307-215. Nan Bunker seconded. The Board approved unanimously.

VI. Final Adoption: Amend R307-401-14. Used Oil Fuel Burned for Energy Recovery. Presented by Mat Carlile.

Mr. Carlile stated that on November 1st the Air Quality Board proposed for comment amendments to the definition of “boiler” in R307-401-14. No oral or written comments were received during this proposal. Staff recommends that R307-401-14 be adopted as proposed.

- Kathy Van Dame motioned that the Board approve the final adoption of R307-401-14. Wayne Samuelson seconded. The Board approved unanimously.

VII. Five-Year Reviews: R307-102. General Requirements: Broadly Applicable Requirements; R307-202. Emission Standard: General Burning; R307-203. Emission Standard: Sulfur Content of Fuels; R307-220. Emission Standard: Plan for Designated Facilities; and R307-250. Western Backstop Sulfur Dioxide Trading Program. Presented by Kimberly Kreykes.

Kimberly Kreykes, Environmental Planning Consultant at DAQ, stated the DAQ has compiled five-year reviews for R307-102, R307-202, R307-203, R307-220, and R307-250. These rules are still authorized and required. Staff recommends that the Board continue the rules identified in agenda item #7 by approving the attached forms to be filed with the Division of Administrative Rules.

- Rick Sprott motioned that the Board approve the five-year reviews for the rules listed under agenda item #7. Joel Elstein seconded. The Board approved unanimously.

VIII. Informational Items.

A. Save Our Air and Resources Appeal of the Air Quality Board Order on Sevier Power Company. Presented by Fred Nelson.

Fred Nelson, of the Utah Attorney General's Office and counsel to the Board, stated the Save Our Air and Resources has filed an appeal to the Utah Court of Appeals of the decision of the Board that was rendered last month on issue #10. The Sierra Club has not indicated to Mr. Nelson if they are going to file an appeal or not on this matter, but they still have two to three days left to file.

Mr. Nelson continued by reminding the Board that last year the Utah Associated Municipal Power Systems (UAMPS) filed a petition to intervene on the Intermountain Power Project (IPP) Unit 3 proceeding. The UAMPS counsel then withdrew their request until circumstances with the permit could be worked out.

Mr. Nelson went on to explain that UAMPS has filed a petition to intervene with the Board and is now asking to be granted intervention to pursue the IPP Unit 3 permit. Because UAMPS is not the holder of the permit and because they are not a party to the proceeding, the Board would have to grant them intervention to allow them to go forward. If intervention is granted, the Board would then need to conduct a hearing on the issues that were raised by the Sierra Club. This will be an action item for the Board and will be discussed more by Mr. Nelson at the next Board meeting.

B. Air Quality Public Information Policy. Presented by William Bowen and Michael Packard.

William Bowen, a Salt Lake County resident without any affiliation, stated that he has been required to study transportation air quality issues over the past eight years in his work on a separate transportation project. Mr. Bowen became concerned that statements in the press from various public agencies and officials in Utah were not consistent with what he was seeing in his research in national transportation and air quality databases and with various agencies. Mr. Bowen then began his presentation to the Board.

Mr. Bowen believes that DAQ emphasizes the use of transit as a solution to air quality which is not supported by the data he has researched.

Mr. Petersen commented that results of a study done by a USU professor indicated that adding additional busses in Cache Valley would actually worsen air pollution there. He

would like for the DAQ to respond to the points Mr. Bowen has made offering their point of view.

In answer to some of Mr. Bowen's claims, Mr. Sprott stated that inventories are complex and difficult. They are time sensitive and space sensitive. These are crucial pieces of science and are not half-truths. The DAQ is constantly challenged to communicate this with the public. Mr. Sprott emphasized that the point is not in to scold the public, but trying to exhort them to limit driving.

Ms. Heying stated that the inventories are available to everyone on the DAQ website and are broken down by different categories. Ms. Heying recommended that the DAQ will provide a response to Mr. Bowen.

In summary of his point to the Board and his recommendations, Mr. Bowen stated that he accepted that it is the DAQ's intention to provide the best science based information, but he feels it is used to scold the public. The DAQ, as the source, could make things clearer particularly when talking to reporters. He would like for the DAQ to look carefully at information on its website and how that can be interpreted. The current information creates a series of half-truths and misinformation and the DAQ needs to look carefully on its public posture on these issues.

Mr. Wessman commented that he understands how preparing communications for media and other outlets can come out differently in writing. As an Air Quality Board and the DAQ we are faced with challenges that we need to be working on. For the next meeting, Mr. Wessman asked that Ms. Heying talk about what the issue is along the Wasatch Front, for example, in terms of the contribution of heavy diesel and other equipment; what the percentages are coming from them as well as automobiles.

C. Analysis Cigarette Smoking Versus Air Pollution. Presented by Steve Packham.

Steven Packham, Toxicologist at DAQ, stated that he was asked to share information today based on calculations and analysis he's prepared on air pollution and cigarettes. Dr. Packham then began his presentation to the Board.

In summary, statements comparing smoking 5-10 cigarettes per day recently appeared in some Utah newspapers and the DAQ is not responsible for those statements. Dr. Packham's concern over these statements is that it minimizes the serious health effects of smoking which is one of the leading causes of preventable death in the United States. Nicotine addiction and cancer put cigarettes in a league of their own. Dr. Packham said that breathing outdoor air, even on bad days, is not like smoking cigarettes.

Dr. Samuelson commented that if there is a single thing that is dangerous for the lungs of people, it is cigarette smoking. It is regrettable that we give anyone justification to continue it.

After further discussion among Board members, Mr. Wessman noted that there seems to be different intent or concern to the presentation. Mr. Burwell has expressed concern about the conclusions that have been reached in terms of DAQ's stance; Mr. Sprott added that this presentation was simply intended to say it is not appropriate to compare air quality with cigarette smoke; and Dr. Packham indicated that this presentation has not challenged

any published data and that it was his calculation and comparison on a quantitative basis of cigarette smoking to air pollution.

Mr. Wessman concluded that in listening to these presentations today, there is the importance of being careful and precise in how we get data and how information is interpreted. When comparisons and analogies are made, such as air pollution has the impact of a certain number of cigarettes a day, we have to be careful to make sure that we're correlating the information to the facts. The purpose of the Board is to have reasoned discussion about the nature of what we are doing. Good viewpoints on both sides are important.

- D. Air Toxics. Presented by Robert Ford.**
- E. Compliance. Presented by Jay Morris and Harold Burge.**
- F. Monitoring. Presented by Bob Dalley.**

Bob Dalley updated the Board on air monitoring. Mr. Dalley was asked how the AMC analyzes air quality in Salt Lake City and how many different stations would be relevant in the analysis. In answer, the AMC picks the average at the single highest station; it is the average of all values at that station for the entire year.

Meeting was adjourned at 2:55 p.m.